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DEC 04 2007

In re Application of :  
John M. Haltmeyer :  
Application No. 10/076,948 :  
Filed: February 19, 2002 :  
Attorney Docket No. HALTMEYER-PA-2 :

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition, filed May 31, 2007 under 37 CFR 1.137(b) which is being treated as a petition, under 37 CFR 1.181(a) (no fee) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

A Nonfinal Rejection was mailed on October 5, 2005, with a statutory period for reply of (3) three months. On April 3, 2006, an amendment, notice of appeal, and a three month extension of time were filed. Since the Office action was a nonfinal rejection and the claims were not twice rejected, the filing of the notice of appeal was improper. However, the filing of the amendment, along with the three month extension of time on April 3, 2006, was proper and timely filed.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

Petitioner may request a refund of the petition to revive fee (\$750) under 37 CFR 1.137(b), by writing to the Office of Finance Refund Section. A copy of this decision should accompany the request.

Further, the power of attorney submitted on November 14, 2007 is not in compliance with 37 CFR 3.73(b).

This matter is being referred to Technology Center AU 2132 to consider the amendments filed April 3, 2006 and on May 31, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/076,948	02/19/2002	John M. Haltmeyer	HALTMEYER-PA-2

CONFIRMATION NO. 3414

IMPROPER CPOA LETTER



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Date Mailed: 12/03/2007

**NOTICE REGARDING POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/14/2007. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/kocreasy/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199